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However, Defendant CAPITAL ONE is yet to answer.

Thus, it would be premature to conduct a Case Management Conference before the only existing Defendant has appeared.

Plaintiff, therefore, requests that the Case Management Dates be continued approximately two months. Plaintiff requests the following dates:

May 11, 2007 - last day to meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan; file ADR Certification signed by Parties and Counsel; and file either stipulation to ADR Process or Notice of Need for ADR Phone conference

May 25, 2007 - last day to complete initial disclosures or state objection in Rule 26(f) Report, file Case Management Statement, and file Rule 26(f) Report

June 8, 2007 – Initial Case Management Conference (CMC) in Courtroom 7, 19th Floor at 10:30 a.m.

Dated 3/6/2007

Eric F. Fagan, Actorney for Plaintiff

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<del>[PROPOSED]</del> ORDER

IT IS HEREBY ORDERED that the Case Management Dates in the above-entitled case be continued to the following days and times:

May 11, 2007 – last day to meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan; file ADR Certification signed by Parties and Counsel; and file either stipulation to ADR Process or Notice of Need for ADR Phone conference

May 25, 2007 – last day to complete initial disclosures or state objection in Rule 26(f) Report, file Case Management Statement, and file Rule 26(f) Report

June 8, 2007 – Initial Case Management Conference (CMC) in Courtroom 7, 19th Floor at 10:30 a.m.

Dated 3/6/2007

Mafine M. Chelen UNITED STATES DISTRICT REGISTRICT ERIC

**2**004

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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address)	FOR COURT USE ONLY
ERIC F, FAGAN	
2220 OTAY LAKES ROAD CHULA VISTA, CA 91915	
TELEPHONE NO.: (619) 656-6656 FAX NO.: (775) 703-7661	
E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):	
	_
USDC - CENTRAL DISTRICT LOS ANGELES	
STREET ADDRESS: 312 N. SPRING STREET, #G-8	
MAILING ADDRESS;	
CITY AND ZIP CODE: LOS ANGELES, CA 90012-4793	
BRANCH NAME: CENTRAL DISTRICT LOS ANGELES	
PLAINTIFF/PETITIONER: ALEXANDER	]
DEFENDANT/RESPONDENT: WINN AND SIMS, ET AL	
NON SERVICE REPORT	CASE NUMBER: C06-04382 MMC

I received the within process on December 8, 2006 and that after due and diligent effort I have been unable to personally serve said witness. The following itemization of the dates and times of attempts details the efforts required to effect personal service. Additional costs for diligence are recoverable under CCP §1033,5 (a)(4)(B).

Servee: CAPITAL ONE FINANCIAL, LLC

Documents: Summons; Complaint;

As enumerated below:

12/11/2006 -- 02:30 pm

8306 WILSHIRE BLVD.

BEVERLY HILLS, CA 90211

8306 WILSHIRE BLVD. IS A MAIL BOX DEPOT. OUT FOR SERVICE AT 1528 E. CYRENE DR, CARSON CA.,

01/18/2007 -- 03:34 pm

1528 E. CYRENE DR.

CARSON, CA 90746

LARGE HOUSE WITH LOTS OF CARS. NO ANSWER AT THE DOOR, SERVER HAS NOT BEEN ABLE TO VERIFY ADDRESS.

01/22/2007 -- 10:16 am

1528 E. CYRENE DR.

**CARSON, CA 90746** 

CANCELLED PER DORIAN

Fee for Service: 60.00

County: Los Angeles Registration No.: 3368

Janney and Janney Attorney

Service

4891 Pacific Hwy., Suite 102

San Diego, CA 92110 (619) 231-9811

I declare under penalty of perjury under the laws of the State of California that the foregoing information contained in the return of service and statement of service fees is true and correct and that this declaration was executed on January 29, 2007 at Los Angeles, California.

Signature:			
	Housne '	Yassine	